MR. CHAIRMAN: The Leader of the House.

SHRI VISHWANATH PRATAP SINGH: Sir, we abide by your Judgment, but what Mr. Salve said we should also consider. There was a zero Hour. But we have in our wisdom adopted a special procedure of Special Mentions. So there is an advance notice and a response can be made, as far as the time of the House....

SOME HON. MEMBERS: No response is given. (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: As you have applied your mind and given your ruling, we all abide by it, and I will not say anything further. But this submission which has been made, I will certainly say, we should also consider.

About the 'policy' statement that has been made outside the House, there two important announcements that have been made. One is about the abolition of MED on tea. The other is extension of the IRPS scheme to other alloys. I think that these are the two main things which the hon. Members are saying. So far as the MED on various commodities is concerned, they are done from month to month, may be even within a week you can change, and they are usually changed not on one item but on several items as the international market goes on. This is not a policy matter; it is an administrative decision taken to respond to the international situaction and our ability. It is not a policy matter which is involved. Daily decisions are made. Only it was made and announced. About the IRPS Scheme as a matter of policy it was adopted. It is an existing scheme. Now in that to include a particular item of chrome alloy or ferro alloy, these are administrative decisions, and not a major policy. I think, therefore, Sir, that no impropriety has been done.

MR. CHAIRMAN: I reserve my ruling on this subject.

SHRI PARVATHANENI UPENDRA: Sir..... (*Interruptions*) One minute.

MR. CHAIRMAN: No, no. We shall now take up the Calling Attention.

AN HON. MEMBER: First Special Mentions.

MR. CHAIRMAN: First Calling Attention, and then Special Mentions.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

Situation arising of the decision of the Medical Council of India to hold an All-India Entrance Examination for admission t 30 per cent/50 per cent pen seats in undergraduate/post-graduate medical courses and the action taken by Government in the matter.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM (Tamil Nadu): Sir, I beg to call the attention of the Minister of Health and Family Welfare to the situation arising out of the decision of the Medical Council of India to hold an All-India Entrance Examination for admission to 30 per cent/50 per cent open seats in undergraduate/post-graduate medical courses and the action taken by Government in the matter.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRIMATI MOHSINA KIDWAI): Sir, before I make my statement in the House, I would like to submit that this matter is *sub judice* in the courts. I have already informed the Secretariat and I do not know why it was admitted. If you want, I can proceed.

(*Interruptions*)

MR. CHAIRMAN: This is a letter received from the Ministry on 6th August, 1985. It says:

"Please refer to your telephonic conversation with Shri P. P. Chauhan, my Joint Secretary, regarding the Calling Attention Notice about the entrance examination for MBBS

[Mr. Chairman]

and post-graduate candidates to the medical courses being admitted on Friday, the 9th August, 1985. As the Union Minister has to respond to the Calling Attention in Lok Sabha on the same day, we will be grateful if the aforesaid Calling Attention is taken up on Tuesday or later. The Health Minister has also spoken to the Chairman on telephone on the subject."

You have agreed to answer and we go by your letter.

SHRIMATI MOHSINA KIDWAI: There is also a letter of 30th July, 1985.

MR. CHAIRMAN: I support people know chronology. Madam, 30th of July is before 6th of August, and the 6th of August letter says that the Minister is prepared to answer. Not only that, it says that you are prepared to answer on Tuesday or after next week. Therefore, I went by the later letter (*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): Mr. Chairman, Sir, may I just clarify for a second. On the 30th of July, a letter was received from the Ministry saying that the matter is *sub judice* and they requested that it should not be admitted. In spite of that, it was admitted. She had no choice but to ask which date it was coming up. But the letter is on record saying that the matter is *sub judice* and they requested that it might not be admitted. In spite of that, it was admitted and she had no choice because the House had admitted it. She asked about the date when you wanted her to answer.

MR. CHAIRMAN: The Minister wrote a letter saying that it was *sub judice*. I don't accept immediately whatever one side says. I referred the matter to the hon. Member and asked whether it *sub judice*. The Member explained that it was not *sub judice* because the two matters were totally different. Thereupon I asked the Minister whether she would reply. On the 6th of August, I got a letter saying that they are prepared. Therefore, I am sorry to say that Mrs. Margaret Alva is not fully informed of all the facts.

श्रीमती मोहसिना किदवई : मुझे जवाब देने में कोई दिक्कत नहीं है ।

MR. CHAIRMAN: You say whatever you want to say.

श्रीमती मोहसिना किदवई : मैं यहां तैयारी करके आई हूं, लेकिन मैं यह कहना चाहती हूं कि जब यह एडमिट नहीं हुआ था तब मैंने इसको ओबजेक्ट किया था कि यह एडमिट नहीं होना चाहिए । लेकिन जब आपने एडमिट कर लिया, चूंकि मुझे बाहर जाना था इसलिए मैंने कहा कि उस तारीख को न लेकर, जिस दिन आप चाहे लें । लेकिन जिस वक्त आपने मुझे लिख कर भेजा उस वक्त वहां से लिख कर आया कि यह सब-जुडिस है और इसको नहीं लेना चाहिए । इसलिये मैंने यह मुनासिब समझा कि मैं यह स्टेटमेंट यहां देने से पहले आपसे सोच-विचार कर लूं । यह ध्यान में ला दूं कि हमारे कहने के बावजूद यह एडमिट हुआ और यह अभी भी कोर्ट में पैंडिंग है ।

श्री सत्य पाल मलिक (उत्तर प्रदेश) : मेरा व्यवस्था का प्रश्न है ।.. (**व्यवधान**) आप जो कह रहे थे वह बिल्कुल दुरुस्त है, माननीय मंत्री जी की जो मजबूरी है वह भी अपनी जगह है ।

MR. CHAIRMAN: Both are right and both are wrong.

श्री सत्यपाल मलिक : ऐसी हालत में मैं आपसे यह अपील करना चाहता हूं कि यह बयान बच जाने के बावजूद भी आपके पास यह ताकत है कि आप यह तय करें कि इस पर बहस होनी चाहिए या नहीं होनी चाहिए ? (**व्यवधान**)

श्री जगदम्बी प्रसाद यादव (बिहार) : यह तो तय कर लिया ।

श्री सत्यपाल मलिक : माननीय मंत्री जी ने जो अपनी मजबूरियां जाहिर की हैं

उनकी। दर्जत हुई अब आगे अगला डिसाइन है।

MR. CHAIRMAN: Now, I call upon the Minister to make the Statement.

SHRIMATI MOHSINA KIDWAI: Mr. Chairman, Sir a batch of writ petitions was filed in the Supreme Court in 1983 challenging the basis of making admissions to medical/dental colleges on grounds of domicile or residence requirements within the State, ignoring the merit of the candidates. In its judgement delivered on 22nd June, 1984, the Supreme Court directed that not more than 70 per cent of the total number of open MBBS seats after taking into account reservations validly made should be filled up on the basis of residence requirements within the State or on institutional preference and that the balance 30 per cent of the open seats should be filled up on merit on the basis of either an all-India Entrance Examination or Entrance Examination to be held by the States. The Supreme Court further directed that while residence requirement within the State shall not be a ground for reservation of seats in postgraduate courses, not more than 50 per cent of the total number of open seats in postgraduate courses should be reserved on the basis of institutional preference. Further, there should be no reservation at all whether on ground of residence requirement or institutional preference in so far as admissions to Super-specialities such as Neuro-surgery, Cardiology, etc., are concerned. Admissions to these courses should be made purely on merit on all-India basis. These directions were to apply, *mutatis mutandis*, to dental courses both at undergraduate and postgraduate levels.

While fixing up the outer limit of 70 per cent in the matter of admission to MBBS course based on domicile requirement or institutional preference and 50 per cent in postgraduate courses on the basis of institutional preference, the Supreme Court further directed that the Medical Council of India should consider within a period of nine months from the date of the judgement whether the outer limit of 70 per cent/50 per cent for undergraduate/postgraduate courses fixed by it needs to be reduced and if the Medical Council of India decides to lay down a shorter outer limit, it will be binding on the States and the Union Territories.

In their order dated 10th May, 1985, the Supreme Court further directed that the Medical Council of India shall draft comprehensive schemes and syllabi for conducting the all-India Entrance Examinations from the academic session 1986-87. The Council was further directed to consult the State Governments on the schemes to be drawn up by the Council and submit the same to the Court after getting them approved from the Government of India. The shemes drawn up by the Medical Council of India were circulated to the State Governments and were revised schemes were consideration the comments furnished by some of the State Governments. The revised schemes were considered by the Ministry of Health and Family Welfare, Government of India and Government of India's approval with certain observations was conveyed to the MCI. The finalised schemes were submitted by the M.C.I. to the Supreme Court on 16th July, 1985. In the meantime, many State Governmtnts have filed applications in the Supreme Court, *inter alia*, chalu lenging the jurisdiction of the Medical Council of India to hold the All India Entrance Examination and a membtr of other related issues such as exemption from the purview of the Schefe on grounds of backwardness of the States. variations in syllabi at 10+2 level, syllabus for entrance examination for medium of examination etc. Further action in the matter will be taken in

[Shrimati Mohsina Kidwai]

the light of the directions of the Supreme Court in the matters pending before it.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Mr. Chairman, Sir, in this matter we are going to discuss about the scheme of admission evolved by the Medical Council of India rather than the judgement of the Supreme Court. Sir, the decision of the Medical Council of India to hold the entrance examinations for selecting the candidates to undergraduate and post graduate courses at the rate of 30 per cent and 50 per cent respectively is not only against the interests of the State but also against the objectives to be achieved. For many years, the Centre was awaiting an opportunity with a covetous eye to have a say in selecting the medical students. Neither the Universities nor the States yielded to this pressure. But, fortunately to the Centre, it has got an opportunity due to the decision of the Pradip Jain case of 1984. The schemes of admission followed by the States have been challenged on various grounds by the affected parties.

Even though some of the classificationes based on district-wise quota, unit-wise quota have been declared invalid, the classification of the residential qualification and institutional preference has been accepted by the Supreme Court in eariler cases. But the decision in Dr. Pradip Jain's case caused serious inroads into the jurisdiction of the States. Sir, in Pradip Jain versus the Union of India, the scheme of admission so far followed by the State and Universities has been declared invalid. "We unreservedly condemn the wholesale reservation made by some of the State Governments on the basis of domicile and residence requirements within the State or on the basis of institutional preference for the students who have passed the qualifying examination held by the University of the State, excluding all the students not satisfying their requirements and regardless of merit. We regard such wholesale reservation to be unconstitutional and void as being violation of article 14 of the Constitution." Because of this judgment, the Medical Council of India has evolved a scheme of admission at the national level for open quota seats. Sir, the pivotal point to be examined by the House is whether the decision of the Medical Council against the reservation policy of the State Government is applicable, desirable, meaningful and fruitful. I would like to remind the House that the Supreme Court has not declared in toto against the residential qualification and institutional preference for admitting the students in medical colleges. The classification based on residential qualification has been approved in various cases in the Supreme Court. Sir, in D.P. Joshi versus the State of Madhya Bharat 1955, the concessions given to bona fide students was accepted by the Supreme Court and it has been declared that the concession based on bona fide residence is not contravention of article 14 and article 15. In Chitra Ghosh's case 1970, the decision of the Supreme Court in favour of residential qualification is clear, crystallised and free from all ambiguities. In 1971, in Kumari Vasundara's case, the selection committee rejected the application of the petitioner on the ground that she has not resided in the State of Mysore for ten years prior to her application to the college. It was challenged in a court of law but the Supreme Court did not allow her petition. In Dr. Jagdish Saran versus the Union of India, Justice V. R. Krishna Iyer, with his jargon of words, penned some say against the policy of reservation but he has not invalidated the residential qualification. No doubt, these decisions are binding on the Supreme Court. Therefore, in Dr. Pradip Jain's case, Justice Bhagwati did not invalidate the residential qualification. He

has declared that the policy of wholesale reservation has been invalid since it is, according to the court, against article 14 and 15. Sir, article 14 guarantees to any person equality before law, equal protection of law. Article 15(1)(2) prohibits the discrimination on the ground of religion, race, caste. sex and plae of birth. It does not mean that Constitution is against the classification of admission on any ground. The reasonable classification has been justified on the basis of nexus between the classification and the objective to be achieved. Since the Constitution prohibits the discrimination on the ground of place of birth, it is argued and averred by some of our friends that the Constitution is against the classification of residential qualification and thus it is against the spirit of the Constitution. Sir, this contention has not been accepted by the Supreme Court. Therefore, the classification of residential qualification is permissible. Our Supreme Court consistently and repeatedly decided it in so many cases, as cited earlier.

In Pradip Jain's case, the deviation is regarding the wholesale reservation. I am afraid here the Supreme Court exceeded the limits. While the classification of the residential qualification has been declared valid how can the Supreme Court say that a select scheme or the selection based on....

MR. CHAIRMAN: You are treading dangerous ground. Please keep yourself within limits.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: The scheme or selection based on residential qualification or institutional preference above 70 per cent is invalid. I can understand the argument. I can understand the logic if the residential qualification is invalid in toto. But it is invalid, it is argued, above 70 per cent. Sir, it is a matter of policy. You know, Sir, that the Supreme Court can say 'right or wrong' through onstitutional prisms. It has every right to invalidate the policy of the Government. But it has no right to ment. But it has no right to dictate the policy to the Govern ment. That is the duty of the other branch of the Government. It is not only a matter of policy.

MR. CHAIRMAN: He is not a lawyer and we will allow him some latitude. (*Interruptions*) He is making a proposition which may be right or which may be wrong or which may be totally absurd. It is for you to say so when your turn comes. You should not stop him. He has got the right to say the right things as well as the wrong things. He has got the right even to make mistakes. You cannot stop him from committing mistakes. You can correct him later on.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: My argument is that if the court has no formulate a policy...

SHRI N. K.. P. SALVE (Maharashtra): On a point of order, Sir. In view of what you have expressed just now, according to the book of Practices and Precedents in Parliament by Kaul and Shakdhar, the Committee of the Presiding Officers seems to have decided otherwise. Either we take it that it is overruled here and then we accept it. The same issue arose before them. As regards the matter which is *sub-judice* and which has been referred to in a speech or a debate or in any statement in the House, the Speaker has no power to order expunction of any word or phrase merely on the ground that they relate to a matter which is pending in a judicial court. Sir, a Committee of Presiding Officers considered the scope of the Rule of *Sub-Judice* and recommended the following guidelines. They have stated the conditions to which it will not apply. They have also stated the conditions to which it will apply. The committee decided about Rule 5 that this rule can apply to questions, state-

[Shri N. K. P. Salve]

ments, motions, resolutions and other debates. My respectful submission on. therefore, is two-fold. Firstly the matter itself is *sub judice* to which you have stated in your wisdom that the matter will be discussed. The hon. Member is going one step further. What he is saying is this. Notwithstanding our position, authority. competence or jurisdiction, to put it in legal jargon, he is going into the realm and jurisdiction of Supreme Court and saying that the Supreme Court should not have done like this. My respectful submission is that it is palpably and clearly going outside the rule which has been laid down by the Committee of the Presiding Officer. Again my respectful submission is that whatever the hon. Member has stated is beyond this rule and appropriate action be taken.

SHRI MADAN BHATIA (Nominated): With your kind permission, Sir. The hon. Member had every right to refer to the judgements of the hon. Supreme Court from time to time. But the moment he says that the Supreme Court should not interpret a particular provision of the Constitution this way or that. he enters the realm of judicial power which is outside the purview of Parliament. It is not open to Parliament, in any manner, to interfere with the exercise of Judicial Power and the interpretation of the Constiution falls excusively within the realm of the interpretation of the Constitution.

Thank you.

(*Interruptions*)

SHRI P. BABUL REDDY (Andhra Pradesh): I would like to point out that we are proceeding on wrong lines. Sir, everybody has got the right to say that a judgement of the Supreme Court is wrong; everybody has got the right to criticise a Supreme court judgement. Everybody can say that the interpretation is wrong. What you cannot do is, you cannot attribute any motives to them. You cannot attribute any *mala fides* to them. But you can say....

SHRI N. K. P. SALVE: You can criticise the judgement.

SHRI P. BABUL REDDY: You can say. it is perverse. You can say that judgement is perverse. It is not contempt. But to say that you cannot say that the interpretation in a particular judgement of the Supreme Court is wrong. is taking things too far. We need not be more loyal to the judiciary than the judiciary itself. (*Interruptions*)

SHRI N. K. P. SALVE: Sir, I am *not here holding a brief for the Supreme* Court. My House is more important to me. Let us criticise the Supreme Court, right, left and centre so that some day it may improve. I have absolutely nothing about that. I am on a rule which has been made by this House and I am on a rule of *sub judice*, which has commended itself for proper application in the Houses, by the Presiding Officers' committee. The entire proceedings. I submit, Sir, is a violation of what has been decided. At any rate, let us not precipitate the matter any further and impose more restrictions on ourselves. Restraint is not going to damage his case. I can assure you.

MR. CHAIRMAN: Have you all finished? I have considered this matter fully at the time of admitting this Motion. What the hon. Member said was that the Supreme Court's rule did not cover reservation on the basis of domicile. That is his contention and, to that extent. he is entitled to say that the Supreme Court judgement does not cover any matter relating to the condition of admission based on domicile. I told him at one time, 'You are now exceeding your limits; be careful; otherwise, you will be inviting my ruling'.

In regard to the second point which is of academic interest. I do not

think, the House cannot say that the judgement of the Supreme Court is not right in a particular way because even as lawyers, all of us have filed appeals when we say that the judgement of the court below is contrary to law, facts and material circumstances of the case. This is the very first sentence we write. This is the burden of the song. Therefore, there is nothing wrong in saying that....

SHRI N. K. P. SALVE: That is not the issue.

MR. CHAIRMAN: That is not the issue. Therefore, my request to you is, you confine yourself to the submission that so far as the Supreme Court's rule is concerned, it does not cover reservation based on the condition of domicile. You can go ahead now.

SHRI ALADI ARUNA *alias* V. NACHALAM: It is not only a matter of policy, but also the right of the State. In our country, there are about 120 medical colleges with a capacity to admit 13,000 students. A few colleges are in the Union Territories. Most of the Colleges are under the control of the State. The States are bearing the burden of running these institutions. For each medical graduate, the State spends one lakh of rupees. Neither the Medical Council of India nor the Government of India share and bear the burden of running these medical colleges. Therefore, it is the inherent right of the States to fix the necessary qualifications. for admission of students to the medical colleges This observation is admitted by the Supreme Court in Chitra Ghose case.

SHRI ALADI ARUNA ALIAS V. you do not have to assume all knowledge of law. You say what is your claim.

SHRI ALARI ARUNA *ALIAS* V. ARUNACHALAM: Sir, my point is, the State has the right to prescribe its own rules and regulations for admission of students: It is averred that the primary consideration for admission of students to medical colleges must be merit and to choose talented students, national level selection is essential. This is the argument from one side. My answer to this argument is, States are not against merit. They are also for merit. If you go through the selection lists. you can see that meritorious students have been selected, All brilliant student have been selected in their respective States. As far as Tamil Nadu is concerned, this year' for the general pool, the minimum requirement of marks is 92 per cent, for the Backward Classes, 86 per cent and for Scheduled Castes 76 per cent. As far as Anna University of Technology is concerned, the requirement of marks for general pool is 96 per cent.

MR. CHAIRMAN: You must finish now.

SHRI ALADI ARUNA *ALIAS* V. ARUNACHALAM: Just five minutes more. I have been interrupted by others.

MR. CHAIRMAN: Three minutes.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Five minutes more. For open competition the minimum requirement of marks is 96 per cent. for backward classes it is 93 and for Scheduled Castes it is 82. So, it is utterly false and fictitious to say that under the present system State has not considered the principle of merit. Moreover. it is incorrect to say that States are strictly adhering to the policy of wholesale reservation. If you see the prospectuses, on reciprocal basis some students are selected from other States and foreign students are also selected. As far as Tamil Nadu is concerned, out of 110 seats nearly 76 are selected who are

[Shri Aladi Aruna *Alias* V. Arunachalam]

other than the bonafide residents. So, States are not rigid, they are not tenacious. They are always flexible, they are always reasonable in selecting the candidates. The selection of 35 per cent for MBBS courses.....

MR. CHAIRMAN: Your point is regarding reservation, but you are now justifying admission in Tamil Nadu.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: This is just by way of a reference. I am giving an example.

The selection of 30 per cent for MBBS course and 50 per cent for postgraduate course at the national level will seriously injure the concession conferred by the Constitution in favour of the Scheduled Castes, Scheduled Tribes and Backward classes.

Under article 16(4) and article 29 most of the States have allotted certain percentage of the seats to backward classes and Scheduled Castes. If you take away the 30 per cent and 50 per cent from the available number of total seats, they will be deprived of their share in the national pool. For example, in Tamil Nadu, total number of medical seats are 100, out of which 50 per cent are allotted for backward classes, 18 per cent for Scheduled Castes. If you take away the 30 per cent, the backward class will lose 99 seats and the Scheduled Castes will lose 60 seats. So, what is constitutionally enjoyed by this class is going to be confiscated by the Medical Council of India.

Then, India is a multilinguistic State. Fifteen languages have been accepted as the national languages of this country. Some of the languages, like Tamil, Telegu, Bengali are well developed languages. Our father of the Nation, Gandhiji, advocated that the medium of instructions must be the mother language from all levels. If the mother language is introduced as a medium of instruction for higher studies, the scheme of the Medical Council of India will be chaotic. Therefore, I ask the Government to withdraw this.

Some of our friends think that the selection at the all-India level will be helpful for strengthening the unity and integrity of the country. This kind of argument is unaided by reason and unfounded by justification. It is nothing but myth and delusion. May I ask, in what way the present method of selection is injurious to the national unity, to what extent it has damaged the national unity? Is it not helpful for the development of the weaker sections? Is it not helpful for the development of backward areas? Is it not helpful to compel the medicos to work in rural areas? The present scheme of the State Government is much helpful—that is my argument.

MR. CHAIRMAN: That is all right. Your peroration is very good.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Just one minute more.

Sir, the primary functions of the Medical Council of India are to regulate the standards of medical education and lay down the syllabus etc. It is not contemplated by the Parliament while enacting the Medical Council of India Act of 1956 that the Medical Council should hold entrance examinations. What is not contemplated by the Parliament, what has been reasonably restricted by the Parliament, cannot be entrusted by court.

Therefore, I would like to ask the Government to drop the scheme of admissions at national level. It is anti-federal and even anti-national. I conclude with this observation, Sir.

SHRI V. GOPALSAMY (Tamil Nadu): Mr. Chairman, Sir, the Central Government in a cavalier manner is trampling into the domain of State Governments taking shelter under a Trojan horse. Everybody

knows which is this Trojan horse. Taking shelter inside a Trojan horse, the Central Government....

(The Deputy Chairman in the Chair)

SHRI N. K. P. SALVE: Which one is the Trojan horse?

SHRI V. GOPALSAMY: Because it was said just now that the matter is sub judice, that is why there is no need to say which is this Trojan horse. Everybody knows it. Taking shelter under the judgement of the Supreme Court—should I say like that?

THE DEPUTY CHAIRMAN: You better ask the questions.

SHRI V. GOPALSAMY: Madam, Mr. Salve provoked me.

THE DEPUTY CHAIRMAN: Don't get provoked.

SHRI V. GOPALSAMY: Madam, I just said that the Central Government is using a Trojan horse.....

SHRI N. K. P. SALVE: The case is the Trojan horse.

SHRI V. GOPALSAMY: No, not the case; it is the Supreme Court.

SHRI R. RAMAKRISHNAN (Tamil Nadu): Who is the Helen of Troy?

SHRI V. GOPALSAMY: There is no courage to come out and say openly "this is our policy". No State Government, including the Congress (I) ruled State Government, is happy with the decision. No State Government will be prepared to surrender its own inherent rights.

As far as the question of Fundamental Rights is concerned, it is very clear from Art. 16, Part III—and I quote:

"Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within a State or Union Territory, any requirement as to residence within that State or Union territory prior to such employment or appointment."

Not only that my esteemed friend, Mr. Aruna, quoted the judgement—AIR 1955 Supreme Court 334, DP Joshi *Vs.* State of Madhya Bharat—and I quote:

"The residence and place of birth are two distinct...

THE DEPUTY CHAIRMAN: He has already quoted it. Why repeat it?

SHRI V. GOPALSAMY: That is very relevant. Now the statement of the Government is very much shocking and alarming, because already the Supreme Court has given the direction that not more than 70 per cent of the total number of open MBBS seats, as far as post-graduate courses are concerned not more than 50 per cent and as far as the Super-specialities are concerned, no say should be given to these institutions or State Governments. This will lead to serious consequences. If the Central Government collides with the Supreme Court of India...

SHRI N. K. P. SALVE: "Collides"!

SHRI V. GOPALSAMY: I mean* with the Supreme Court of India...

SHRI MADAN BHATIA: Madam Deputy Chairman, may I seek your permission to raise a point of order? In the first place I would like to clarify that although this hon. House or the Parliament or any Member of Parliament has a right to critise the judgement of the Supreme Court, no Member of Parliament, no Parliament, no authority in this country can have the power to flout the judgement of the Supreme Court, if the Supreme Court has adjudicated upon a parti-

*Expunged as ordered by the Chair.

[Shri Madan Bhatia]

cular question. The Supreme Court has also held in a number of cases that Parliament has no power to nullify the judgement declared by the Supreme Court because the interpretation of the law and particularly the interpretation of the Constitution fall completely within the purview of the Supreme Court. Therefore, any argument by the hon. Members on this side to say that this judgement is wrong and should not be followed, goes completely against the provisions of the Constitution and the power of the Supreme Court, number one.

Number two, this submission which has been made by the hon. Member from the floor of the House, that the Supreme Court is in* with the Central Government, I respectfully submit. Madam, is a reflection upon the conduct of the Supreme Court and must be expunged.

THE DEPUTY CHAIRMAN: I will look into the record and see that if anything is not proper it is expunged.

SHRI V. GOPALSAMY: May I suggest one thing?

THE DEPUTY CHAIRMAN: Just one minute. Mr. Gurupadaswamy, when the Chair is addressing the Member, it is not proper for you to talk to him.

SHRI M. S. GURUPADASWAMY (Karnataka): Sorry.

THE DEPUTY CHAIRMAN: What I am saying is, Mr. Gopalsamy, that you are concerned with admission of students. It is much better to confine yourself to their welfare instead of talking about battle between the Supreme Court and Parliament. So, please speak about that.

SHRI V. GOPALSAMY: Madam Deputy Chairman, if you are going to select the students according to this formula what will happen, that I was about to submit. I have not attributed any motive to the Judges of the Supreme Court. I have got every right to say what will happen. Parliament has got every power to bring in amendment to the Constitution. So, to what will happen after this judgement if you do not take any steps, I would like to draw the attention of the Government.

Is it possible that students from the backward areas and the rural areas will be able to compete with the students who are coming from the metropolitan cities throughout the country? Only the affluent and the rich will be able to move, to go, to any part of the country from the Himalayas to Madras or from Mysore to Calcutta. Only the affluent and the rich will be able to go there, if they get admission, to study there, not the poor. This is the first point.

Then, the most important factor of the backwardness of the areas should be taken into consideration, and the syllabus. And the 10+2 school schemes are different from State to State. If the Medical Council of India prescribes a common syllabus and the subjects to be taught by the medical colleges, nobody is going to question that. You prescribe norms, you prescribe syllabus. But here should you prescribed that the States have only the right upto 70 per cent or 50 per cent?

And also another important and alarming aspect of the statement is this:

> "...whether the outer limit of 70 per cent/50 per cent for undergraduate/postgraduate courses fixed by it needs to be reduced and if the Medical Council of India decides to lay down a shorter outer limit, it will be binding on the States and tht Union Territories."

*Expunged as ordered by the Chair.

This is more dangerous. The Sword of Damocles is always hanging on the head. I would request my hon. friends from the AIADMK, as, even though the Congress(I)-ruled States in their heart of hearts are not willing, they may not come up to fight with the Centre, and therefore you take the lead to fight the Centre. You prescribe one paper in Tamil compulsory. Sir, already education was in the State list. So with a clear motive (*Time bell rings.*) education was taken into the Concurrent list. The powers of the States day by day are encroached upon by the Central Government. If you are not able to succeed in the fight then you make language paper compulsory and whatever you take in Tamil Nadu we would support on this issue.

THE DEPUTY CHAIRMAN: Why don't you put your question?

SHRI V. GOPALSAMY: Because this is a matter to which I am confining myself to certain aspects. I cannot go.

THE DEPUTY CHAIRMAN: Then put your question.

SHRI V. GOPALSAMY: That is why to strengthen our cases, through this House, I am putting this suggestion. To make Tamil compulsory...

MISS JAYALALITHA (Tamil Nadu): Madam. I am on a point of order, because he mentioned about the AIADMK State Government and compulsory paper in Tamil. I think it is my duty to remind the hon. Member, V. Gopalsamy that in many colleges certain number of seats have been reserved by the State Government for Tamil. And all those seats are going abegging, because no students have come forward to enroll themselves for those postgraduate courses in Tamil.

SHRI V. GOPALSAMY: She has not understood my point.

SHRI N. K. P. SALVE: She has very much understood.

SHRI V. GOPALSAMY: You make a compulsory paper in language. You have not understood my point. I was not making a point on the medium of instruction. You make one compulsory language paper.

SHRI N. K. P. SALVE: That is the medium of instruction.

THE DEPUTY CHAIRMAN: Mr. Gopalsamy, please conclude now.

SHRI V. GOPALSAMY: When I want to fight this, they don't want to support the cause, what should I do? This is the pity of Tamil Nadu. Madam, with a painful heart I want to tell the Health Minister that this is a very grave issue on which the Central Government is encroaching upon the rights of the States. Definitely it will not benefit the students coming from rural areas. This will benefit only the students coming from the rich and affluent classes.

SHRI PARAVATHANENI UPENDRA (Andhra Pradesh): Why you have reduced the pitch?

SHRI V. GOPALSAMY: .... As far as Tamil Nadu is concerned. I wanted to give my support to AIADMK friends and the Government on this issue, for the first time, but bitterness is so much, they are not ready to accept my help.

SHRI N. K. P. SALVE: They are not sure about your motives.

THE DEPUTY CHAIRMAN: After the Anti-Defection Bill has been passed in this House, we are talking about it again. I think it is better if you sit down. You have already taken more time.

SHRI V. GOPALSAMY: I want to make a suggestion to the Central Government that they should not encroach upon the rights of the States; and take shelter in the Trojan's horse.

(The Dtputy Chairman)

THE DEPUTY CHAIRMAN: Mr. Upendra.

SHRI PARVATHANENI UPENDRA: Madam Deputy Chairman, the basis on which the Supreme Court has apparently given the judgement is that merit should be encouraged and admissible should be based on merit. But as my hon. friend, Mr. Alladi Aruna has pointed out even the State Governments are following the rules with regard to merit and all the admissions are based only on merit. Therefore, that argument does not hold good. Secondly, apart from the argument whether the judgement impinges on the rights of the States, it definitely poses many practical problems. Today it is admissions to the medical colleges, but tomorrow on the basis of this judgement somebody will go to the court for engineering college admissions. After that, it will go in for the research programme and tomorrow, another M.B.A. programme. Therefore, it is just like opening a Pandora's box and we must have a larger number of All India Agencies to conduct these examinations throughout the country with so many centres. That means, a parallel UPSC organisation may have to be set up at the national level to conduct All India examinations for admission to various colleges which is impractical. Apart from that, we have another practical problem like the syllabus and also the medium of instruction at the 10+2 stage. Therefore, it will be difficult for the candidates from various states to appear for the All India examinations. It also involves a lot of cost for the candidate. If they have to go all the way to various States to get admissions, to conduct studies there, stay in hostels, several problems will arise. There will be a cross movement of students, students from Kashmir will be forced to go to Kerala and Kerala students will be forced to go to Kashmir. This kind of situation will arise, though in the process it may national integration. But still, it is a very costly affair. Therefore, I feel that this judgement will have to be reversed and the Central Government will have to move effectively to get this judgement reversed.

For the meritorious students, for students from other states we have already got the system of reciprocal admissions in various professional colleges.

Therefore, what I feel is when the State Governments have filed revision petitions in the Supreme Court, the Centre should not remain as a bystander and leave it to the States. It has to effectively fight the case and get it reversed. If necessary, it should bring a Constitutional amendment if the Constitution is standing in the way.

SHRI M. S. GURUPADASWAMY: Madam, Dy. Chairman, my remarks will be very brief today because the matter is some what sub-judice. Secondly, the question is very limited. Madam, there is an Act called The Indian Medical Council Act passed in the year 1956. It was amended twice. I think, it was amended in the year 1958 once and later on, it was amended in the year 1964. During all these years, this problem did not crop up. The Indian Medical Council Act—if deals with maintenance of standards and level of medical education. It does not deal with holding of examinations for admissions. If the intention of the Parliament was to give power and jurisdiction to the Medical Council to hold examinations in regard to certain number of admissions in the under-graduate and post-graduate courses, that could have been provided in the Act. There is no provision in the Act to deal with conducting the examinations by the colleges at the All India level. This point has got to be understood very clearly. The Act deals with, as I said, with the maintenance of the standards

or the levels or the quality of medical education in India. For that, the Act deals with the powers to be exercised in this regard and it deals with the apparatus that has to be provided for maintaining these standards. It has visualised the setting up of medical inspectors. These inspectors can go round the institutions, the colleges, the universities and study the standard of education that is being given there in those colleges, in those institutions. The Act has not made any provision for conducting examinations. Therefore, Madam, my first point is that there is no provision in the Act and no jurisdiction or power given to the Medical Council to hold examinations for admission. Therefore, the Government has got to look into this matter.

Secondly, the State Governments have challenged the power and the jurisdiction of the Medical Council in regard to the holding of examinations. This is pending also in the Supreme Court. Therefore, in view of that, the whole question is open. Though the Supreme Court has given directions in regard to the holding of examinations in respect of 30 per cent and 50 per cent, I think the whole question is open now before us.

The third point is, this is a very sensitive area which attracts the jurisdiction and powers of the State Governments. The State Governments have got education as a primary responsibility, and that includes medical education also. The Medical Council can only help the State Governments in the matter of maintaining the standards and levels of medical education—not more than that. Therefore, Madam, I would like the Government of India to look into the whole aspect and see that the State Governments and their powers are not trampled upon in any manner. The State Governments are responsible Governments in the same manner as the Central Government is responsible and they are also interested in the maintenance of standards of medical education. Now, if the Medical Council can hold examinations in resspect of certain seats, the same argument can be advanced in respect of other nstitutions, engineering colleges, humanities colleges, etc. what prevents the Central Government from holding examinations through its agencies for humanities, for science subjects, etc. in various universities? Nothing prevents it. Therefore is really a very sensitive and complex question. I think the Government of India should look into the whole matter again afresh, taking into consideration the judgment of the Supreme Court.

SHRI S. W. DHABE (Maharashtra): Madam Chairperson, under article 141 of the Constitution of India, the Supreme Court judgment is binding unless it is changed by legislation or subsequent review by the Supreme Court itself. Education is entry no. 25 of the Concurrent List. Now education is not a State subject only. The Central Government and the State Government both have got powers not only in respect of general education, but specifically in respect of medical education also. The reason is obvious: we should have a higher standard in the medical profession and also in the engineering field. We were debating last year about capitation fees; one lakh or two lakhs of rupees are taken for admission. At many places, private colleges are encouraged more and the State Governments are no exception to it. Even without any quotas the managements are giving admission to undeserving students to medical and engineering colleges. Another very important factor is that even today in State Government colleges seats are reserved for outside students and also foreign students. It is not that today medical college admissions are given to domicile students of a State. Some seats are re-

[Shri S. W. Dhabe]

served for other States depending on a quota system and the admissions are given on the directives of the State Government. Foreign students also are given admission in the same manner. The Minister stated in the statement that the Supreme Court judgment says that the Medical Council should prepare a scheme. That is on page 2. On page 3 it is said that a scheme has been prepared by the Medical Council of India. But it is not stated what that scheme is. It is not spelt out what scheme the Medical Council has submitted and whether there is any revised scheme also. Then it is added that the scheme has been considered and approved by the Central Government with certain observations. It means the scheme sent by the Medical Council had the blessings of the Central Government, of this Ministry. And that is why this Ministry is not ready to discuss the matter in the House taking the curious plea that the matter is subjudice. Therefore, my first question is what the scheme is that the Medical Council has sent and what the observations are that you have made while approving it. Whether the Medical Council has power or not, I agree that the time has come to amend the Medical Council Act. Today the situation is the State Government opens colleges in the State without the permission and approval of the Medical Council of India. In Bihar there are few colleges opened like that but which have been disapproved by the Medical Council of India. It is four to five years since the colleges were started—both engineering and medical faculties. It is, therefore, necessary that the respective Acts are amended and powers are given to the concerned Medical Council and Engineering authorities to ensure that prior approval is taken and standards are mentained in the different colleges. I want to know whether it is a fact that an entrance examination was held in Goa on 10th July 1985 for candidates from the State and Union Territories but the result was withheld without any valid reason. If the examination was held, I want to know how many students appeared and why the result has not been declared so far. Firstly, when the matter was pending before the Supreme Court, how was the examination held at all in Goa? And if the examination held was illegal, then, will they refund the examination fee to all the students that had appeared for the examination?

PROF. B. RAMACHANDRA RAO (Andhra Pradesh): Madam Deputy Chairman, I am prompted to speak on this subject because of the large ramifications that this judgment will have on the entire admission system in the country. I remember a couple of decades back the University Grants Commission had sent a circular to all universities to reserve 1 per cent of the seats to other States, and many universities had put up in their advertisements stating that 1 per cent seats were reserved for other States. The experience of that has been that this 1 per cent quota was hardly filled up by other States in spite of the fact that this was done as a measure of national integration. This national integration could not be achieved in spite of the will on the part of the universities. Now, coming to the present question of medical admissions I entirely agree with some of the previous speakers that this will have a long range repercussion in the case of medical seats because of the high value added to the course and the high capitation fee. There might be a number of people coming forward today from different parts of the country to appear for the entrance examination. And if I take it that from a particular State there are about 10,000 candidates aspiring for admission, they will have to appear for this 30 per cent quota also because they are not sure whether they will be selected in the 70 per cent—they are not sure of it till the result is announced.

I am saying this because they are not sure till the result is announced. In other words, in the entire country the people have to appear for this 30 per cent quota which will be a marathon task. I do not know whether the Ministry has examined all these aspects. All the candidates who are eligible will naturally appear for this 30 per cent and they do not know whether they will get. If a person from Tamil Nadu gets a seat somewhere in the North, he may ultimately reject on grounds of poverty or on various other grounds. So, this is going to be serious matter in the sense that it will extend naturally to the other areas also. I am not going to suggest that the judgment is wrong or anything like that. But my only concern is about the feasibility, academic feasibility, of such actions. The judgment will have repercussions not only on medical and engineering courses, but also on other highly valued courses like the MBA and so on and so forth and it all depends on where you draw the line. I am not quite sure as to what will happen. But I would only like to suggest humbly to the Government that this matter of reservation of seats for non-State candidates in all subjects may be examined afresh from the point of view of whether such a thing is feasible at all in the national context. But I would like to mention here that this might have been done with a view to giving importance to merit. But it is not possible in a smaller State with only one medical college because in that medical college, if 30 per cent seats are reserved, this thirty per cent of seats may go to some other States where there may be more medical colleges and facilities with the result that you deprive this State of all the 70 per cent seats whereas the remaining 70 per cent may not get anywhere. In other words, it will adversely affect the smaller States, the rural people and the various other communities who have not received education in what are called the modern schools or schools of this nature. Therefore, I would like to propose that the Ministry might examine this question from all angles because it is detrimental not only to the States' interests, but also to the rural people, to the poorer people, that is, those who did not study in what is called the public school system. Thank you very much, Madam.

THE DEPUTY CHAIRMAN: Yes, Mr. Poddar.

SHRI RAMENDRA KUMAR PODDAR (West Bengal): Madam Deputy Chairman, I am in agreement with most of the speakers who have already spoken.

Madam, the first thing is that I am not a legal expert and so, I do not know whether I will be treading on the toes of the Supreme Court. But, first of all, I feel that there should be no centralised examination. The Medical Council of India has set up to regulate and monitor the standards of medical education and not to conduct examinations and it would also be an erosion of the authority of the States and the Universities concerned at present to conduct those admission tests. Also , if 30 per cent or 50 per cent of seats are reserved for people outside the State, I believe that instead of promoting the national integration it will only promote national dissenion, if not disintegration, because those students will be deprived of this quota within the State and they will begin all sorts of demonstrations and strikes and all those things and a lot of perversion will appear on the national scene. So, I believe that the whole project is incorrect and wrong, if not childish, to promote national integration in this manner. So, I would request the Government to consider restoring "Education" fully to the State Governments by amending the Constitution so that one of the wrongs done during the Emergency can be undone now. Because "Education" is in the Concurrent List, the Central

[Shri Ramendra Kumar Poddar]

bureaucracy, whether in the Education Ministry or in the Health Ministry, always tried to erode the authority of the States. I would request, first thing, to bring education in the State List and also amend the Constitution, if needed, and to remove any ambiguity in the Medical Council Act to see that they shall not have the authority to hold All-India Entrance Examination.

THE DEPUTY CHAIRMAN: Shri Jagdambi Prasad Yadav.

श्री जगदम्बी प्रसाद यादव : माननीय उपसभापति महोदया, मैं सरकार से प्रगमेटिक और प्रैक्टिकल एप्रोच के लिए निवेदन करना चाहता हूं। इस संबंध में सुप्रीम कोर्ट ने जो डिसीजन दिया और मेडिकल कौंसिल ने जो स्कीम बनाई और सरकार ने जो स्कीम बनाई, इन दोनों चीजों को मैने इस स्टेटमेंट में पढ़ा है। इस बारे में मैं यह कहना चाहूंगा कि सरकार ने इस मामले में विरनी के छत्ते में ढेला मारने का प्रयास किया है। मैं यह चेतावनी देना चाहता हूं कि इस मामले पर सम्पूर्ण हिन्दुस्तान में गुजरात की तरह का आरक्षण के तहत आन्दोलन करवाने का प्रयास आप न करें। मैं प्रेक्टिकल उदाहरण देना चाहता हूं। यहां दिल्ली में मौलाना आजाद मेडिकल कालेज है, जी० बी० पन्त कालेज है और नजदीक में आगरा कालेज है। क्या ये लोग किसी बाहर वाले को आने देंगे? मार-मार कर भगा देंगे। वे किसी बाहर वाले को प्रवेश देने के लिए तैयार नहीं हैं। सुप्रीम कोर्ट ने अपना निर्णय देश की एकता और अखण्डता के भाव से दिया है। लेकिन वास्तविक स्थिति क्या है, इसको आपको आंकना होगा। आपने इसका आंकलन करते समय सही स्थिति पर ध्यान नहीं दिया है। आप जानते हैं कि आपके अधीन मौलाना आजाद मेडिकल कालेज और जी० बी० पन्त कालेज में और आगरा कालेज में किसी बाहर वाले को एडमिशन नहीं मिलता है। एम०डी० और एम०एस० में क्योंकि छात्र किसी को आने नहीं देते। लोकल्स के लिए 70 परसेन्ट और आल इंडिया के लिए 30 परसेन्ट रखा गया है। एम० एस० में 50–50 परसेन्ट है। इसी प्रकार की स्थिति एम०डी० में है। इन कालेजों पर सारा खर्चा स्टेट गवर्नमेन्ट करती हैं। एक डाक्टर को तैयार करने में एक लाख रुपये लगते हैं। क्या आप सम्पूर्ण मेडिकल कालेजों को टेक ओवर करके केन्द्र के अधीन करना चाहते हैं? इन कालेजों में जो पेशेन्ट्स होंगे वे लोकल होंग।

दूसरी महत्वपूर्ण बात मैं यह कहना चाहता हूं कि आज हमारे देश में स्थिति यह है कि देहातों में डाक्टर नहीं जाते है। कई राज्य पिछड़े हुए हैं। अगर आपने इनको सब के लिए खोल दिया तो बम्बई, दिल्ली आदि बड़े शहरों के लड़के सब सीटें ले जाएंगे। इसलिए मैं यह जानना चाहता हू कि क्या आपने इस संबंध में प्रगमेटिक और प्रेक्टिकल एप्रोच अपनाई है? अगर आप इस प्रकार की नीति नहीं अपनाएंगे तो इसके भयंकर परिणाम हो सकते हैं। जहां तक कम्पिटिशन का सवाल है, आप जानते है कि बम्बई और दिल्ली का या किसी अन्य बड़े शहर का लड़का 80 या 90 परसेन्ट नम्बरों से पास होता है। उत्तर प्रदेश या बिहार का विद्यार्थी उसके मुकाबले में पीछे रहता है। वह उनका मुकाबला नहीं कर सकता है। इसका अथ यह हुआ कि शहरों के लड़के ही सारी सीटें ले जाएंगे। बम्बई और दिल्ली या किसी भी बड़ शहर का लड़का गांवों में नहीं जाएगा (**समय की घंटी**)। माननीया, यह मेरा विषय रहा है। मुझे कुछ बोलने दीजिये। मैं कुछ चीजें और कहना चाहता हूं।

उपसभापति : डेढ़ बजे हमने यह कालिंग एटेंशन खत्म करना है। इसलिए आप जल्दी खत्म कीजिये।

श्री जगदम्बी प्रसाद यादव : देहातों में कोई भी डाक्टर जाने के लिए तैयार नहीं होते हैं। इसलिये मैं इनकी मदद के रूप में इसकी आलोचना करना चाहता हूं। इस कम्पीटीशन में हम बिहार के लोग, उत्तर प्रदेश के लोग, हिमाचल प्रदेश के लोग किसी भी तरह जो डैवलप्ड स्टेट्स हैं, उनका मुकाबला नहीं कर सकते हैं। इसलिये इसकी सुरक्षा करने की जिम्मेदारी आपकी है।

दूसरा, मेडिकल कौंसिल को लीजिये। मेडिकल कौंसिल का अपना कांस्टिट्यूशन है कि सुपरवाइज करना और स्टेंडर्ड चैक करके, स्टेंडर्ड मेंटन है कि नहीं। अगर आप मेडिकल कौंसिल को कह दो कि तुम एक्जामिनेशन लो तो मेडिकल कौंसिल किस चीज का एक्जामिनेशन लेगा। एडमिशन के लिये फिजिक्स, कमिस्ट्री और बाइलौजी का टैस्ट होता है उसके एक्सपर्टाइज वहां नहीं है, इनके पास केवल इनके डाक्टर हैं। ये एक्जामिनेशन नहीं ले सकते हैं। सम्पूर्ण हिन्दुस्तान के लिये एक्जामिनेशन लेने के लिये क्या होना चाहिए, इस पर विचार होना चाहिए। लेकिन एक सवाल है। अगर मेडिकल कौंसिल ही एक्जामिनेशन लेगी, तो उसका सुपरविजन और उसकी चैकिंग कौन करेगा? आप जरा इसको विचार करके देखिये। बिहार में जो एक्जामिनेशन लेते हैं, उसका सुपरविजन करते हैं, उसकी चैकिंग करते हैं, उनका काम खराब हुआ तो उसका रिकग्नाइजेशन छीन लेते हैं। यदि यही बात यहां होगी तो क्या होगा? इसके इस आस्पैक्ट को आप देख लीजिये। आपका कानून सुप्रीम कोट ने बना दिया और आपने उसको पास कर कर दिया। लेकिन आज क्या हो रहा है। आज सारे पैसे वाले जो लोग हैं व मेडिकल कौंसिल को अप्रोच कर रहे है कि एक लाख ले लो, दो लाख ले लो और उनके विद्यार्थी को ले ले। यह सिर्फ कम्पीटीशन में ही नहीं इससे तो सारी मेडिकल कौंसिल परचेज हो जायेगी तो इसका क्या उपाय होगा? यह शुरू हो गया है।

इसलिये मैं आपसे अज करना चाहता हूं कि आप मेडिकल कौंसिल को बरबाद न कीजिये। अगर मेडिकल कौंसिल को आप बरबाद करेंगे तो मेडिकल कौंसिल अपने काम लायक नही रहेगी वह भी दूसरे काम की हो जायेगी। इसलिये तीन-चार बातों पर आप फिर से गौर कीजिये। इससे जो आग लगने की संभावना है इसको दूर करें। मेरा आपसे विनम्र निवेदन है कि चाहे इसमें कितनी भी अच्छाई छुपी हुई हो जब तक आप कुछ ऐसी चीजें नहीं करते जिससे बैकवर्ड स्टेट, पुअर स्टेट को सुरक्षा और सुविधा मिले तब तक ऐसी बातें चलती रहेंगी। इनको हम कठिनाई में न डालें। अभी हमारे मित्रों ने भाषा की बात कही है। हमारे कुछ मित्र कहते हैं कि तमिल को एक भाषा कर दो लेकिन मैं कहता हूं कि तमिल भाषा में. . .

उपसभापति: बस कीजिये।

श्री जगदम्बी प्रसाद यादव: अगर तमिल को मेडिकल के लिये कर दिया गया तो लोग तमिल बोलना और लिखना सीख जायेंगे। जहां पर अपने स्वार्थ और रोटी की बात हो वहां पर सब भाषायें सीख लेते हैं। इसलिये स्वास्थ्य मंत्री महोदया से मेरा निवेदन होगा कि चाहे कांस्टिट्यूशन में अमेंडमेंट की बात हो तो इसको देख लीजिये और अगर एडवाइज की जरूरत हो तो भी इसको देख लीजिये। लेकिन देखने के बाद आपने क्या किया है और मेडिकल कौंसिल ने क्या किया है ये दोनों चीजें सदन के सामने आपके जवाब में आ जांय तो सदन निश्चिन्त होगा। सदन को अगर और भी सजशन देने होंगे तो यह मामला डिसकशन के लिये, चर्चा के लिये बाद में उठाया जा सकता है, इस पर कम्प्लीट डिसकशन नहीं हुआ है। इसलिये फिर मैं आपसे निवेदन करता हूं कि सदन का मंतव्य देखते हुए आप इस पर विचार करें और इससे जो देश में आग लगने की संभावना है उसको न करें और देश को आगे झंझट में न डालें।

SHRIMATI MOHSINA KIDWAI: Madam Deputy Chairman, I am not going to say anything beyond my statement. It is not that we do not want to discuss the matter. But it is because the matter is *sub-judice*. I will request the hon. Members not to insist on it.

SHRI S. W. DHABE: It is most dangerous. I strongly object to it. The matter is not *sub-judice*. The judgment is already final.

SHRI V. GOPALSAMY: Now we know that the real culprit is here.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Is this the way to reply to the debate.

THE DEPUTY CHAIRMAN: The House stands adjourned till 2.30 p.m.

The House then adjourned for lunch at thirty minutes past one of the clock.

The House re-assembled after lunch at thirty-three minutes past two of the clock, The Deputy Chairman in the chair.

REFERENCE TO PLIGHT OF WORKERS IN WAGON-BUILDING INDUSTRY

THE DEPUTY CHAIRMAN: Now, we shall take up Special Mentions. Shri B. Krishna Mohan—not here; Shri R. Ramakrishnan—not here; Shri Sukomal Sen.

SHRI SUKOMAL SEN (West Bengal): Madam Deputy Chairman, I would like to raise...

AN HON. MEMBER: Mr. Ramakrishnan is now coming.

SHRI R. RAMAKRISHNAN (Tamil Nadu): Madam...

THE DEPUTY CHAIRMAN: I think, we should raise an objection. Everytime you say that the Minister is coming late. Now...

SHRI R. RAMAKRISNAN: Madam just one second. I have given a Special Mention on the Indian Airlines, that is about their indefinite arrival. Just like an Indian Airlines flight, I have come a little late.

THE DEPUTY CHAIRMAN: Your flight also got delayed?

SHRI R. RAMAKRISHNAN: Yes, Madam.

SHRI SUKOMAL SEN: Madam Deputy Chairman, I would like to raise an important matter through this Special Mention. Madam, due to the drastic reduction of order of wagons by the Railways, the wagon-building industry, one of the most organised engineering industries of West Bengal, has been pushed into a serious crisis. During the early 60s, the Indian Railways' wagon offtake from the industry averaged over 25 000 four-wheeler spe arnmu, the highest being 27 565 four-wheelers in 1964-65. The offtake was drastically curtailed from the second half of the 60's. It was reduced to only 9,613 four-wheelers on an average in the 70's. This brought about substantial sickness in the industry, depleting its ranks from 16 units to 10. Of these also, six could be salvaged only through a takeover by the Government.

Madam, for the Seventh Plan, the Railways projected a requirement of 1,54,057 four-wheelers. The Planning Commission placed it at 1,20,000 four-wheelers. The wagon industry looked forward to a much-needed reprieve through a substantial increase in 1985-86. However, far from being increased, the procurement for 1985-86 has been further slashed down to a bare 5,000. four-wheelers, the lowest ever level in the past couple of decades.

Such a drastic cut will enforce capacity utilisation of the industry at barely 15 per cent and render it irredeemably sick. Being highly labour intensive itself and supporting a host of ancilliary units in the small and medium scale sector, the closure of the wagon building unts for lack of workload will spel rluin for thousands of other units supported by it and throw out of emfploymen ta enstimated two lac workers deriving their sustenance from it directly and in directly.

Already several hundred of workers have been laid off by the industry. In this critical situation, I would request the Government to allot more funds for procurement of wagons which the railways are badly in need of and increase the order for wagons from